

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

Dennis R. Magnan and
Teresa A. Magnan,

Debtors.

MOTION TO REDUCE TIME
TIME TO FILE OBJECTION
TO EXEMPTION
BKY 04-44081

TO: UNITED STATES TRUSTEE, CHAPTER 7 TRUSTEE, and other parties in interest.

Dennis and Teresa Magnan, Debtors, moves the Court for the relief requested below and gives notice of hearing.

1. The Court will hold a hearing on this motion on September 14, 2004 at 11:30 a.m. in Courtroom 7 West, United States Courthouse, Minneapolis, Minnesota. Any response opposing this motion must be delivered and filed not later than September 9, 2004, which is three days before the hearing exclusive of Saturdays, Sundays, or holidays, or mailed and filed not later than September 7, 2004, which is five days before the hearing exclusive of Saturdays, Sundays, or holidays. If no response opposing the motion is timely filed, the Court may grant the motion without a hearing.

2. The Court has jurisdiction over this motion pursuant to 28 U.S.C. §157 and 1334. This proceeding is a core proceeding. This motion is brought pursuant to 11 U.S.C. §522(d)(1), Federal Rules of Bankruptcy Procedure 4003(b) and 9006(c)(1), and Local Rule 4003-1(b). The petition commencing this Chapter 13 case was filed on July 22, 2004. The meeting of creditors is scheduled for August 30, 2004.

3. Debtors move the Court for an order reducing the time to object to property claimed as exempt as amended to September 15, 2004 and authorizing the Clerk of Bankruptcy Court to issue a

certificate regarding property claimed as exempt as amended on September 16, 2004 or thereafter if no objection is timely made, and as grounds therefor states as follows.

4. At the time of their Chapter 7 filing, Debtors owned real estate located at 3921 Abbott Avenue North, Robbinsdale, Minnesota and legally described as Lot 8, Block 4, Crystal Park Addition to Minneapolis, Hennepin County, Minnesota. The property was their former homestead and has an estimated fair market value of \$185,000.

5. The above described homestead is subject to a mortgage in favor of Wells Fargo Home Mortgage Corp. in the approximate amount of \$160,000 or more and a second mortgage in favor of Household Mortgage Corp. in the approximate amount of \$25,000 or more.

6. Wells Fargo Home Mortgage Corp. foreclosed its mortgage prior to the Chapter 7 filing; Debtors' redemption period was scheduled to expire on July 22, 2004 but was extended by 60 days by Debtors' Chapter 7 filing pursuant to 11 U.S.C. §108(b).

7. Debtors believe they have secured a buyer for the former homestead and wishes to complete the sale transaction before the expiration of the 60 day redemption extension, if the second mortgage lender will agree to compromise its debt. The buyer's title insurer will require a certificate of property claimed as exempt as amended as a condition of closing the sale. Debtors do not expect to realize any gain from the sale.

8. Because the meeting of creditors is not scheduled until August 30, 2004, Debtors will not be able to obtain a certificate of property claimed as exempt as amended pursuant to Local Rule 4003-1(b) unless the time period for objecting to property claimed as exempt as amended is shortened.

9. This Court has discretion for cause shown to reduce the time period to object to property claimed as exempt as amended by the Debtors pursuant to Bankruptcy Rule 9006(c).

10. Reducing the time period to object to property claimed as exempt as amended and authorizing the Clerk of Bankruptcy Court to issue a certificate of property claimed as exempt as amended on September 16, 2004 or thereafter, if no objection is timely filed,

will enable Debtors to complete the sale of the former homestead.

WHEREFORE, Debtors request an order reducing the time period to object to Debtors' claim of exempt property as amended to September 15, 2004 and authorizing the Clerk of Bankruptcy Court to issue a certificate of property claimed as exempt as amended on or after September 16, 2004 in the event that no objection is timely made, and for such other relief as is just and equitable.

/e/ Ian Traquair Ball

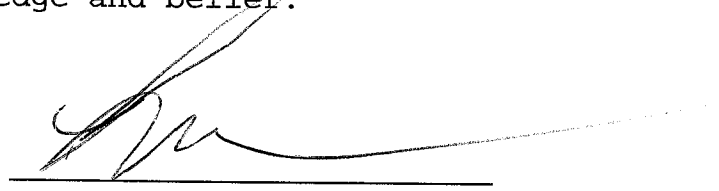
Ian Traquair Ball #4285
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326 Plymouth Building
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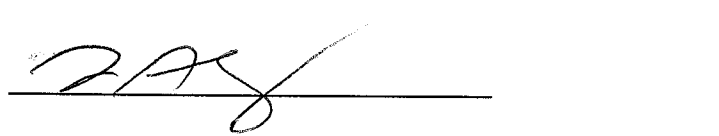
Dated: August 12, 2004

Case No. 04-44081

VERIFICATION

Dennis and Teresa Magnan, Debtors, state that they have read the foregoing motion and that the facts stated therein are true and correct to the best of their knowledge and belief.





UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

Dennis R. Magnan and
Teresa A. Magnan,

Debtors.

DEBTORS' MEMORANDUM
OF LAW

BKY 04-44081

I. FACTS

Dennis and Teresa, Debtors, filed their Chapter 7 petition on July 22, 2004. At the time of their filing, Debtors owned a home located in Minneapolis, Minnesota which was their former residence. Debtors estimate that the property has a fair market value of \$185,000, subject to a first mortgage of \$160,000 or more and a second mortgage of \$25,000 or more. Debtors have no equity in the property. Debtors' right of redemption of heir homestead was scheduled to expire as a result of a prior foreclosure sale by the first mortgage lender. As a result of Debtors' Chapter 7 filing, Debtors' right of redemption of her mortgage was extended for 60 days pursuant to 11 U.S.C. §108(b). Debtors have found a buyer for their homestead, if the second mortgage lender will agree to compromise its mortgage debt; Debtors wish to complete the sale, but the buyer requires a certificate of property claimed as exempt as amended. However, the meeting of creditors is not scheduled until August 30, 2004 and Local Rule 4003-1(b)(2) prohibits the Clerk of Bankruptcy Court from issuing a certificate of property claimed as exempt as amended not less than 31 days after conclusion of the meeting of creditors. Assuming that the meeting of creditors is concluded on August 30, 2004, Debtors would not be able to obtain the certificate until after the expiration of the

redemption extension, and Debtors would not be able to complete the sale of the homestead within the 60 day extension period.

II. ARGUMENT

Federal Rule of Bankruptcy Procedure 9006(c) authorizes the Court in its discretion, for cause shown, to reduce the time period to object to property claimed as exempt as amended by a debtor. Rule 9006(c)(2) specifies various actions for which the Court may not reduce the time period, but objection to property claimed as exempt as amended is not included in this list of prohibited reductions. Shortening the time period to object to property claimed will not create a hardship for the Chapter 7 trustee or for creditors. The affected parties will have from the date of service of this motion as notice of the Debtors' intent to claim their former homestead as exempt as amended and the proposed shortened deadline for objecting to the exemption claim. Affected parties will also have 10 days after the meeting of creditors in which to file an objection to the Debtors' claim of exemption if they choose to do so. Accordingly, Debtors request the Court for its order setting a deadline of September 15, 2004 for filing an objection to property claimed as exempt as amended by the Debtors and authorizing the Clerk of Bankruptcy Court to issue a certificate of property claimed as exempt as amended on or after September 16, 2004 if no objection is timely filed.

/e/ Ian Traquair Ball

Ian Traquair Ball #4285
Attorney for Debtors
326 Plymouth Building
12 South Sixth Street
Minneapolis, MN 55402
Tel: (612) 338-1313

Dated: August 12, 2004

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**CERTIFICATE OF
SERVICE**

Dennis R. Magnan and
Teresa A. Magnan,

BKY 04-44081

Debtor(s).

I, Brenda Greenhalgh, declare under penalty of perjury that on August 19, 2004, I mailed copies of the foregoing Motion to Reduce Time to File Objection to Exemption to each entity named below at the stated addresses.

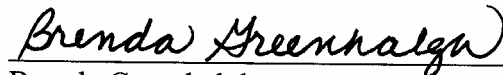
John R. Stoebner
Chapter 7 Trustee
120 South 6th St., Ste. 2500
Minneapolis, MN 55402

United States Trustee
1015 US Courthouse
300 South 4th Street
Minneapolis MN 55415

Dennis R. Magnan
Teresa A. Magnan
17501 Territorial Road
Dayton, MN 55369

SEE ATTACHED LIST

Dated: August 19, 2004



Brenda Greenhalgh

AMERICAS SVCG CORP
WELLS FARGO HOME MTG
5325 SPECTRUM DR
FREDERIC MD 21703

HOME DEPOT
PO BOX 6028
THE LAKES NV 88901-6028

BENEFICIAL HFC
PO BOX 4153
CAROL STREAM IL 60197-4153

HOUSEHOLDBENEFICIAL
ATTN FORECLOSURE DEPT
961 WEIGEL DR
ELMHURST IL 60126

BREMER BANK
8555 EAGLE POINT BLVD
LAKE ELMO MN 55042

INTERNAL REVENUE SVC
STOP 5700
316 N ROBERT ST
ST PAUL MN 55101

CENTERPOINT ENERGY
PO BOX 1297
MINNEAPOLIS MN 55472 0061

MERVYNS
RETAILERS NATL BANK
PO BOX 59316
MINNEAPOLIS MN 55459-0316

CITY OF ROBBINSDALE
4100 LAKEVIEW AVE
ROBBINSDALE MN 55422

MN DEPT OF REVENUE
551 BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164

DELL
PO BOX 6403
CAROL STREAM IL 60197-6403

SEARS NATL BKY CTR
45 CONGRESS ST
SALEM MA 01970-5579

DISCOVER
PO BOX 30395
SALT LAKE CITY UT 84130-0395

XCEL ENERGY
1518 CHESTNUT AVE N
MINNEAPOLIS MN 55403

HCMC
PO BOX 1238
MINNEAPOLIS MN 55415-1238

HFA
600 HFA BUILDING
914 S 8TH ST
MINNEAPOLIS MN 55404-1228

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

Dennis R. Magnan and
Teresa A. Magnan,

Debtors.

ORDER REDUCING TIME
TO OBJECT TO PROPERTY
CLAIMED AS EXEMPT

BKY 04-44081

This case came before the Court on a motion by Debtors to reduce the time period to object to property claimed as exempt as amended to and authorizing the Clerk of Bankruptcy Court to issue a certificate of property claimed as exempt as amended on September 16, 2004 or thereafter if no objection is timely filed. Appearances were noted in the record. Based on the motion of Debtors, and the file, records, and proceeding herein, and for good cause shown,

IT IS ORDERED:

The deadline to object to property claimed as exempt as amended by the Debtor pursuant to 11 U.S.C. 522(b)(1) is September 15, 2004. In the event that no objection is timely made, the Clerk of Bankruptcy Court is authorized to issue a certificate of property claimed as exempt as amended on or after September 16, 2004, upon request of the Debtors and payment of applicable fees.

United States Bankruptcy Judge

Dated: